IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 19852 of 2004

Between:

Ahmed Khan S/o.Yousjuf Khan
R/o.H.No.19-2-21/23/8 Basarathnagar, Hyderabad.

..... PETITIONER

AND

The Regional Passport Office Near Clock Tower, Secunderabad
rep. by the passport officer.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondent to receive the application to consider for issuance of fresh passport with correct date of birth of the petitioner, as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondent to receive the petitioner's application and consider for issuance of fresh passport with correct date of birth of the petition as 5.4.1973 as per the Secondary School Certificate.

Counsel for the Petitioner: MR.T.DAMODAR

Counsel for the Respondent: MR.A. RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

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ORDER:

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Heard both sides.

This writ petition is filed seeking a declaration that the action of the respondent in not correcting the date of birth of the petitioner as 05-04-1973 instead 05-04-1969 in the passport bearing No.E 5008094 issued on 13-10-2003 as arbitrary and illegal.

The petitioner states that he obtained passport on 13-10-2003 in which his date of birth, was wrongly mentioned as 05-04-1969 instead of 05-04-1973. He further states that his correct date of birth, according to his school records is 05-04-1973 and therefore he approached the respondent seeking correction of date of birth in the passport. However, the respondent refused to take any action. Hence, this writ petition.

As held by this Court in a judgment in ***Mohammad Dilawar Shariff v. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another*** correction of Date of Birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs has issued a circular dated 18-04-2001, under which it is now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the circular.

In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within two weeks from today, in which event, the respondent shall consider the same in terms of the circular dated 18-04-2001 and pass appropriate orders in accordance with law within a period of four weeks thereafter.

Accordingly, the writ petition is disposed of. No costs.

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(G. ROHINI,J)

Date: 22.12.2004

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To

1. The Regional Passport Office, Passport Office, Near Clock Tower

SECUNDERABAD

2. Two C.D. copies